

MINUTES

SELECTMEN'S MEETING
@ North Haven Memorial Library
Community Room

MAY 17, 2007

A regular meeting of the Board of Selectmen was called to order at 2 p.m., by First Selectman, Kevin J. Kopetz. Also present were William F. Mitchell and Janet M. McCarty. Mr. Kopetz announced that he proposes adding public comments to the beginning of each Selectmen's Meeting, as part of the official record and to encourage input on town matters, particularly those on the agenda. Board members endorsed the concept. Ms. McCarty would like to include comments at the conclusion of the meeting as well. Mr. Kopetz moved to add this business to the agenda. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes. Mr. Kopetz moved to add comments at the beginning of the meeting, limiting remarks to four minutes on Town matters, with personal and political comments prohibited. Additionally, the Board would entertain comments at the end of the meeting, limiting them to two minutes concerning items on the agenda. He mentioned that he would speak with representatives of NHTV to solicit their input. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes.

Charles DeMartino, 27 Benedict Drive, advocated that the Board terminate the employment of Joseph and Patricia Ierardi at the close of the 45-day paid, administrative leave, and the Town hold monies due to them from accrued vacation and sick time to compensate for possible losses. He encourages Town officials to restore public trust.

Michael Mele, 10 Maple Avenue, questioned the services performed and fees received by Group Benefits Administrators. Mr. Kopetz explained that the group is compensated from Anthem Blue Cross/Blue Shield, not the Town. It acts to assist with renewals, quotes and claims. Mr. Mele stated that Mr. Palmeri told him that he performs this service and questions if the services of GBAC are necessary.

Ralph Durante, 37 Juniper Drive and Chairman of the Economic Development Commission, expressed support for Group Benefits Administrators and Anthem Blue Cross/Blue Shield. He further expressed support on behalf of Joseph and Patricia Ierardi. Barbara Battle, 11 Todd Drive, felt that this expression was inappropriate.

Gary Amato, 27 Pool Road, asked the Selectmen to demand that a forensic audit be required, as part of the Board of Finance's "Request for Proposal" for an auditor. Mr. Kopetz suggested the Board write a letter specifying this requirement. Robert Wechsler, 16 Windsor Road, encouraged the Ierardis to state what has happened, as this would be best for the Town.

At 2:30 p.m., the Selectmen turned to the business of the agenda. Mr. Mitchell moved approval of the minutes of the regular Selectmen's Meeting of April 12, 2007. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

Mr. Mitchell moved approval of the minutes of the special Selectmen's Meeting of May 1, 2007. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

Mr. Mitchell moved approval of the minutes of the special Selectmen's Meeting of May 15, 2007. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes. Ms. McCarty thanked the Board for conducting this second meeting in executive session at her request.

Mr. Kopetz introduced a letter dated April 17, 2007, from Peter J. Criscuolo, Chairman and Janet M. McCarty, Vice Chairwoman of the Democratic Town Committee, advocating for the hiring of an independent forensic auditor and independent annual auditor.

Mr. Kopetz opened the discussion and read the proposed resolutions concerning the applications of public employees, Patricia C. Ierardi and Joseph J. Ierardi to retire under the Town of North Haven Amended and Restated Pension Plan for General Employees. Ms. McCarty moved to consider and vote on the resolutions separately, in six parts. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

Mr. Kopetz informed the public that this is the first time that the Board of Selectmen has considered withholding pension benefits to retiring employees. He explained that the Board met for five hours in executive session, along with Town Attorney, Jeffrey Donofrio, and special labor counsel, George O'Brien. Mr. Kopetz agrees with the recommendation of legal counsel to grant the pensions conditionally, subject to forfeiture in the event of a finding of fraud or dishonesty. In addition, he recommends that the Board withhold vacation and sick time accruals due the Ierardis, in the total amount of \$158,000, to be used to compensate the Town in the event that financial loss is proven. Mr. Kopetz explained that to deny the pensions outright would require the Board to hold hearings, which could be lengthy, raise multiple questions as to procedure and fairness and could prejudice the criminal proceedings. He feels that this recommendation is best for the Town to avoid the possibility of future litigation and damages.

Ms. McCarty recommends that the Board deny the pensions, despite her expressed understanding that they are innocent until proven guilty. She feels that the criminal proceedings could take two years and that there is a preponderance of evidence outlined in the arrest warrants. If the Ierardis are found innocent, she would recommend that pension and other funds due them be restored. She agrees to withhold vacation and sick time accruals to compensate the Town for possible losses.

Mr. Mitchell endorses the recommendation to pay the pensions with conditions, proposed by the First Selectman and recommended by legal counsel. He feels that to disregard this advice could be costly to the Town.

Mr. Kopetz moved that the Town of North Haven, as Plan Administrator of the Town of North Haven Amended and Restated Pension Plan for General Employees of the Town

Government and the Department of Education, approve the application of Joseph lerardi to retire under the Plan, effective May 18, 2007, subject to possible forfeiture of any and all payments and benefits due or becoming due to him from the Pension Fund pursuant to Section 13.2 of the Plan, concerning fraud and dishonesty. Voted: Kopetz-yes, Mitchell-yes, McCarty-no

Mr. Kopetz moved that the Town of North Haven inform Joseph lerardi, in a writing prepared by the Town Attorney, of the approval of his retirement application and of the possible forfeiture of any and all payments and benefits due or becoming due to him from the Pension Fund pursuant to Section 13.2 of the Plan, concerning fraud and dishonesty. Voted: Kopetz-yes, Mitchell-yes, McCarty-no

Mr. Kopetz moved that the Town of North Haven retain any and all amounts due, or becoming due on account of retirement, to Joseph lerardi for earned but unpaid vacation, sick leave and similar benefits, unless and until an adequate accounting is obtained of all money, assets or other items owed to the Town by Joseph lerardi, and these are set off against such amounts due or becoming due to Joseph lerardi. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

Mr. Kopetz moved that the Town of North Haven, as Plan Administrator of the Town of North Haven Amended and Restated Pension Plan for General Employees of the Town Government and the Department of Education, approve the application of Patricia lerardi to retire under the Plan, effective May 18, 2007, subject to possible forfeiture of any and all payments and benefits due or becoming due to her from the Pension Fund pursuant to Section 13.2 of the Plan, concerning fraud and dishonesty. Voted: Kopetz-yes, Mitchell-yes, McCarty-no

Mr. Kopetz moved that the Town of North Haven inform Patricia lerardi, in a writing prepared by the Town Attorney, of the approval of his retirement application and of the possible forfeiture of any and all payments and benefits due or becoming due to her from the Pension Fund pursuant to Section 13.2 of the Plan, concerning fraud and dishonesty. Voted: Kopetz-yes, Mitchell-yes, McCarty-no

Mr. Kopetz moved that the Town of North Haven retain any and all amounts due, or becoming due on account of retirement, to Patricia lerardi for earned but unpaid vacation, sick leave and similar benefits, unless and until an adequate accounting is obtained of all money, assets or other items owed to the Town by Patricia lerardi, and these are set off against such amounts due or becoming due to Patricia lerardi. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

Ann DeMatteo, Assistant Metro Editor of the New Haven Register, pursuant to the Connecticut Freedom of Information Act, requested copies of "minutes and/or notes" taken during the executive session conducted at the May 1, 2007 Special Meeting. Mr. Kopetz moved to deny her copies of the Selectmen's notes, as he believes the notes reflect attorney work product, attorney-client privileged communication and options and strategies concerning the lerardis' employment. He feels that the Selectmen need to be

able to take detailed notes on complex matters. Thus, the public interest in withholding the notes outweighs the public interest for disclosure. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes. Minutes of the meeting were provided to the reporter.

Mr. Mitchell moved to sign a Call for a Public Hearing, concerning programs to be submitted for approval under the Connecticut Neighborhood Assistance Act, to be held on June 12, 2007, in the Community Room of the North Haven Library, at 5:45 p.m. Mr. Kopetz explained that the Town acts as a conduit to manage the program, in which State legislation allows businesses to receive tax incentives for financial contributions to local non-profit organizations. This year, Lancraft Fife and Drum and the Daytimers' Garden Club applied for funding. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

Ms. McCarty moved to sign a Call for a Special Town Meeting, concerning programs to be submitted for approval under the Connecticut Neighborhood Assistance Act, to be held on June 12, 2007, in the Community Room of the North Haven Library, at 6 p.m., immediately following the Public Hearing, but not before 6:00 p.m. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

Ms. McCarty moved to select dates for the 2008 Board of Selectmen meetings. Unless otherwise noted, they will be held on the second Thursday of the month, at 11 a.m., in the community room of the North Haven Memorial Library. The dates are: January 10, February 14, March 13, April 10, May 8, June 12, July 10, August 14, September 11, October 16 (3rd Thursday due to Yom Kippur), November 13 and December 11. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

Mr. Kopetz distributed to the Board information provided by the Registrars of Voters, including comparisons of salaries and responsibilities of these positions in other towns. The Selectmen will review the materials.

Mr. Kopetz announced that he would like to proceed in forming a committee to review and amend the Town's Code of Ethics. Ms. McCarty would like the Board of Selectmen to hold a workshop and seek public input. They agreed to call for this meeting at the June Board of Selectmen meeting and to consider from which community groups to seek appointments.

Mr. Kopetz moved approval of property tax refunds for Brian S. Marino, 4 Birch Lane, Unit I, East Haven, CT 06513, in the amount of \$84.54, Assessor's Correction #32417 and for Frank or Judith Hines, 11 Leighton Court, North Haven, CT 06473, in the amount of \$386.30, Assessor's Correction #36451. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

Mr. Kopetz moved approval of the following bond releases/reductions, which were recommended by the Planning & Zoning Commission:

Colvest Group, LLC, 166 Washington Avenue, North Haven, CT 06473, Total Release in the amount of \$10,000

Elrac, Inc.-DBA Enterprise Rent-A-Car, 381 State Street, North Haven, CT 06473, Total Release in the amount of \$5,000

Farooq H. Khan, Montowese Associates, 163 Quinnipiac Avenue, North Haven, CT 06473, Total Release in the amount of \$7,000

Montowese Associates, 163 Quinnipiac Avenue, North Haven, CT 06473, Total Release in the amount of \$2,500

Montowese Associates, 163 Quinnipiac Avenue, North Haven, CT 06473, Total Release in the amount of \$2,500

Brescome Barton, Inc., 69 & 80 Defco Park Road, North Haven, CT 06473, Partial Release in the amount of \$20,000, leaving a balance of \$10,000

The motion to approve includes a motion to table a total release for Vigliotti Construction Co., Inc., 344-354 Washington Avenue, North Haven, in the amount of \$90,000. Ms. McCarty has heard from residents questioning the buffer zone, as it appears that trees are dying. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

At this time, the Board entertained further public comments regarding the agenda. Mr. Mele and Mr. DeMartino commended the Board for the actions taken regarding Ierardis' pensions and accruals. Mr. Wechsler and members of the press questioned and commented upon the same matter. Town Attorney Donofrio cautioned the Board from sharing opinions that could undermine the Town's legal positions in the future or impair the due process rights of the accused.

Mr. Kopetz moved to add to the agenda a proposal for the Selectmen to write a letter to the Board of Finance advocating that the "Request for Proposal" require a forensic audit. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes. Ms. McCarty moved to approve this business, as Mr. Kopetz offered to draft the letter. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes

There being no further business to come before the Board, Mr. Mitchell moved for adjournment at 3:45 p.m. Voted: Kopetz-yes, Mitchell-yes, McCarty-yes